

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN DOE,)	
Plaintiff,)	
)	
vs.)	C.A. No.
)	
TOWN OF WAYLAND, THE)	
EDUCATION COOPERATIVE,)	
MARLENE MOSKOWITZ-)	
DODYK, MARY MOEs 1-5, and)	
MICHAEL MOEs 1-5)	
Defendants.)	
)	

NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT
28 U.S.C. § 1441(a)

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS:

Petitioners, Town of Wayland, The Education Cooperative and Marlene Moskowitz-Dodyk, respectfully petition this Court, pursuant to 28 U.S.C. § 1441(a), for removal of the above-entitled action to the United States District Court for the District of Massachusetts, Civil Session, from the Superior Court of the Commonwealth of Massachusetts in and for Middlesex, and for their Notice of Removal state as follows:

1. The petitioners are named as defendants by the plaintiff, John Doe, in a civil action filed in the Superior Court of the Commonwealth of Massachusetts in and for Middlesex County, entitled John Doe v. Town of Wayland, et. al., Civil Action No. 1581CV03316. Process was served on the defendants, the Town of Wayland and Dr. Moskowitz-Dodyk, on August 10, 2015, and on the defendant, The Education Cooperative, on August 14, 2015. The petitioners have not yet answered or otherwise responded to the Summons and Amended Complaint, nor has an appearance been filed in Middlesex Superior Court on their behalf.

2. This is a suit of a wholly civil nature brought in a Massachusetts state court. The action is pending in Middlesex County, Massachusetts, and, accordingly, under 29 U.S.C. § 101 and § 1441(a), the United States District Court for the District of Massachusetts is the proper forum for removal.

3. In his Amended Complaint, the plaintiff, John Doe, seeks damages and other relief alleging that the defendants are liable for (1) violating his substantive due process rights under 42 U.S.C. § 1983; and (2) gender discrimination and retaliation under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681.

4. Because this civil action arises under the laws of the United States, the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

5. The petitioners are filing this Notice of Removal within thirty (30) days of service of the Summons and Amended Complaint, within thirty days of the date this action became removable, and within the time for filing this petition. *See* 28 U.S.C. § 1446.

6. The petitioners will file a Notice of Filing of this Notice of Removal and a copy of this Notice of Removal with the Clerk of the Superior Court of Massachusetts, County of Middlesex.

7. Pursuant to Local Rule 81.1(a), the petitioners shall request of the Clerk of the Superior Court of Massachusetts, County of Middlesex, certified or attested copies of all records and proceedings in the state court and certified or attested copies of all docket entries therein, and shall file the same with this Court within thirty (30) days after the filing of this Notice of Removal.

WHEREFORE, petitioners, Town of Wayland, The Education Cooperative and Marlene Moskowitz-Dodyk, pray that the above-entitled action now pending in the Middlesex Superior

Court of the Commonwealth of Massachusetts in and for Middlesex County be removed from that Court to this United States District Court.

The Defendants,
TOWN OF WAYLAND, THE EDUCATION
COOPERATIVE, and MARLENE MOSKOWITZ-
DODYK,

By their Attorneys,

PIERCE, DAVIS & PERRITANO, LLP

/s/ John J. Davis

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing, filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy shall be served upon the plaintiffs' counsel of record as follows on August 31, 2015:

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/s/ John J. Davis

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